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10/696,221	10/29/2003	Craig Ogg	61135/P022US/10303187	9619		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/696,221	OGG, CRAIG	
	Examiner	Art Unit	
	ROB WU	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 August 2009.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 9-11, 14-29, 31-34 and 36-43 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 9-11, 14-29, 31-34 and 36-43 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/22/09</u> . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed August 03 2009 have been fully considered but they are not persuasive.

The Examiner conducted a personal interview with Applicant's attorneys R. Ross Viguet and Joni Collins on July 14 2009. During the interview the Applicant's attorneys pointed out several unique features of the Applicant's invention, e.g. making a printed postage indicia look like a hand applied postage indicia (A.K.A. "spoofing"), and the complications involved in matching the printing indicia image and a postage value in a high speed mail item processing printer. The Examiner suggested the Applicant making amendments to the claims to include the discussed features to potentially distinguish the Applicant's invention over the prior arts, however the amendments filed by the Applicants do not seem to contain the potential distinguishing features.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 9-11, 14-17 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub No. 2002/0073039 to Ogg et al in view of U.S. Pub No.

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2001/0037320 to Allport et al in further view of U.S. Pub No 2003/0014376 to DeWitt et al.

Referring to claim 9:

A method for printing postage indicia on labels to create postage stamps, comprising:

Ogg et al disclose

Receiving information associated with a plurality of mail pieces that require postage, wherein the information is used to determine the amount of the required postage for each of a plurality of postage indicia to be printed; [0031]-[0034] and

Printing, by a printer, valid postage labels, wherein each of the valid postage labels comprise an image and a postage indicium corresponding to the required postage amount, wherein each of the postage stamps is associated with a particular one of the plurality of mail pieces, and wherein at least two of the postage indicia are not identical [0037].

Ogg et al does not expressly disclose wherein the image is selected based upon one or more characteristics of the particular recipient.

Allport et al disclose printing a postage indicia label wherein the image is selected based upon one or more characteristics of the particular recipient. [0029], [0032]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Ogg et al to combine the image selection for postal indicia as discloses by Allport et al since the claimed invention is merely a combination

of old elements, and in the combination the element of printing postage indicia and the element of selecting the image would have functions the same as it did separately, and one ordinary skill in the art would have recognized that the results of the combination were predictable.

Ogg et al does not expressly disclose that the letter processing system is a high-speed letter processing system. However, DeWitt et al disclose a high-speed letter processing system that process mail and apply postage indicia labels. [0003]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Ogg et al to incorporate the high-speed letter processing system as disclosed by DeWitt et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately. In the present invention, the monitoring, determining, printing and applying postage indicia steps disclosed by Ogg et al will be performed the same when combined into a high-speed mail processing system as disclosed by DeWitt et al, thus one ordinary skill in the art would have recognized that the results of the combination were predictable.

Referring to claim 10:

Ogg et al disclose

The method of claim 9 further comprising:

Calculating the required postage amount from the information associated with the mail pieces. [0032]

Referring to claim 11:

Ogg et al disclose

The method of claim 9 wherein the received information associated with the mail pieces comprises a required postage amount. [0031]

Referring to claim 14:

Ogg et al disclose each of the postage stamps are associated with a mail piece that is designated for a particular recipient;(Fig 9 and 10) Ogg et al does not expressly disclose that the image is selected based upon a characteristic of the recipient, and the characteristics are selected from the group consisting of:

The recipient's age;

The recipient's sex;

The recipient's occupation; and

The recipient's location.

Allport et al disclose selecting an image basing upon a characteristic of the recipient wherein the characteristics are selected from the group consisting of: the recipient's sex, the recipient's location. [0032]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Ogg et al to combine the image selection based on certain recipient characteristics as discloses by Allport et al since the claimed invention is merely a combination of old elements, and in the combination the element of printing postage indicia and the element of selecting the image would have functions the same as it did separately, and one ordinary skill in the art would have recognized that the results of the combination were predictable.

Referring to claim 15:

Ogg et al disclose

The method of claim 9 wherein a single image is printed on a plurality of valid postage labels; and wherein the plurality of valid postage labels are printed with indicia representing at least two different postage amounts.(Fig 6)

Referring to claim 16:

Ogg et al disclose wherein the postage indicia printed on a plurality of valid postage labels represent a single postage amount. [0037] Ogg et al does not expressly disclose wherein the plurality of valid postage labels are printed with varying images.

Allport et al disclose that images can be selected and printed as part of the postage indicia where the image varies based on certain recipient characteristics. [0029], [0032]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Ogg et al to vary the images printed on the plurality of labels as disclosed by Allport et al since the claimed invention is merely a combination of old elements, and in the combination the element of printing postage indicia and the element of selecting the image would have functions the same as it did separately, and one ordinary skill in the art would have recognized that the results of the combination were predictable.

Referring to claim 17:

Ogg et al disclose wherein the postage indicia vary based on weight and recipient location [0033]. Ogg et al does not expressly disclose that the images on the labels also vary.

Allport et al disclose that images can be selected and printed as part of the postage indicia where the image varies based on certain recipient characteristics. [0029], [0032]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Ogg et al to vary the images printed on the plurality of labels as disclosed by Allport et al since the claimed invention is merely a combination of old elements, and in the combination the element of printing postage indicia and the element of selecting the image would have functions the same as it did separately, and one ordinary skill in the art would have recognized that the results of the combination were predictable.

Referring to claim 20:

Ogg et al disclose

The method of claim 9 wherein a blank printing medium upon which the valid postage labels are printed comprise a serial number. [0036]

Referring to claim 21:

Ogg et al disclose

The method of claim 20 further comprising:

Verifying that the serial number is valid. [0039]

Referring to claim 22:

Ogg et al disclose

The method of claim 20 wherein the printed postage indicia includes the serial number. [0036]

Referring to claim 23:

Ogg et al disclose

The method of claim 9 wherein the printing step comprises:

Receiving label stock having a pre-printed serial number, the pre-printed serial number including a master serial number; [0036]

Generating an indicium using with the master serial number, pre-printed serial number, and required request [0036]; and

Printing the valid postage labels comprising the indicium on the label stock.

[0036]

4. Claims 18, 19, 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub No. 2002/0073039 to Ogg et al in view of U.S. Pub No. 2001/0037320 to Allport et al in further view of U.S. Pub No 2003/0014376 to DeWitt et al in further view of U.S. Pub No 2002/0002544 to Leon et al.

Referring to claim 18:

Ogg et al disclose the method of claim 9 wherein the valid postage labels are printed on a printing medium comprising a roll of blank labels that are printing in series, [0035]

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Ogg et al do not expressly disclose wherein the roll of printed valid postage labels appears to be a roll of postage stamps.

Leon et al disclose printing postage indicia on labels with a look and feel of a conventional United States postage stamp. [0065]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Ogg et al to include the look and feel of the postage label as disclosed by Leon et al since the claimed invention is merely a combination of old elements, and in the combination the printing element and the making the postage label look like a United States postage stamp merely would have performed the same function as it did separately. Therefore, one ordinary skill in the art would have recognized that the results of the combination were predictable.

Referring to claim 19:

Ogg et al disclose

The method of claim 9 wherein the valid postage labels are printed on a printing medium comprising a sheet of blank labels, [0035]

Ogg et al do not expressly disclose wherein the sheet of printed valid postage labels appears to be a sheet of postage stamps.

Leon et al disclose printing postage indicia on labels with a look and feel of a conventional United States postage stamp. [0065]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Ogg et al to include the look and feel of the postage label as disclosed by Leon et al since the claimed invention is merely a combination of

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old elements, and in the combination the printing element and the making the postage label look like a United States postage stamp merely would have performed the same function as it did separately. Therefore, one ordinary skill in the art would have recognized that the results of the combination were predictable.

Referring to Claim 42:

Creating a machine generated postage stamp, by a high speed mail item computer processing system, said creating including:

Ogg et al disclose

Receiving, by the mail item computer processing system, information associated with each of a plurality of mail pieces, wherein the mail item computer processing system determines a postage amount for each postage indicia to be printed based on the information; [0026], [0031]-[0033] and

Printing, by a printer, said machine generated postage stamp including a postage indicium and an image, wherein the postage indicium is associated with a particular one of the plurality of mail pieces and bears the determined postage amount, [0031]-[0036]

Ogg et al do not expressly disclose wherein the image is selected based on characteristics of a recipient of the particular one of the plurality of mail pieces;

Allport et al disclose that images can be selected and printed as part of the postage indicia where the image varies based on certain recipient characteristics. [0029], [0032]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Ogg et al to vary the images printed on the plurality

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of labels as disclosed by Allport et al since the claimed invention is merely a combination of old elements, and in the combination the element of printing postage indicia and the element of selecting the image would have functions the same as it did separately, and one ordinary skill in the art would have recognized that the results of the combination were predictable. and

Ogg et al disclose affixing the machine generated postage stamp to the mail pieces [0026] Ogg et al do not expressly disclose that the applied postage stamp appear to have been prepared by hand.

Leon et al disclose printing postage indicia on labels with a look and feel of a conventional United States postage stamp. [0065]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Ogg et al to include the look and feel of the postage label as disclosed by Leon et al since the claimed invention is merely a combination of old elements, and in the combination the printing element and the making the postage label look like a United States postage stamp merely would have performed the same function as it did separately. Therefore, one ordinary skill in the art would have recognized that the results of the combination were predictable.

Ogg et al does not expressly disclose that the letter processing system is a high-speed letter processing system. However, DeWitt et al disclose a high-speed letter processing system that process mail and apply postage indicia labels. [0003]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Ogg et al to incorporate the high-speed letter

processing system as disclosed by DeWitt et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately. In the present invention, the monitoring, determining, printing and applying postage indicia steps disclosed by Ogg et al will be performed the same when combined into a high-speed mail processing system as disclosed by DeWitt et al, thus one ordinary skill in the art would have recognized that the results of the combination were predictable.

Referring to Claim 43:

Ogg et al disclose at least two of the machine generated postage stamp bear different postage amounts [0031], Ogg et al do not expressly disclose the method of claim 42 wherein at least two of the machine generated postage stamp bear different images and different postage amounts.

Allport et al disclose machine generated postage stamp bear different images and different postage amounts. [0028], [0029], [0032]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Ogg et al to vary the images printed on the plurality of labels as disclosed by Allport et al since the claimed invention is merely a combination of old elements, and in the combination the element of printing postage indicia and the element of selecting different mage would have functions the same as it did separately, and one ordinary skill in the art would have recognized that the results of the combination were predictable

5. Claims 24-29, 33, 34 and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogg et al in view of U.S. Pub No. 2003/0014376 to DeWitt et al.

Referring to claim 24:

A method for creating postage stamps for use on mail pieces, comprising:

Ogg et al disclose

Calculating a postage amount due for each of the mail pieces; [0031], [0032]

Printing, by a printer on blank labels, the valid postage labels comprising postage indicia corresponding to the postage amount calculated for the mail pieces and comprising images, wherein each of the postage stamps is associated with a particular one of the mail pieces, and wherein at least two of the valid postage labels are not identical; [0031]-[0036] and

Applying the valid postage labels to the associated mail pieces. [0026]

Ogg et al do not expressly disclose

monitoring a location of mail pieces in a high-speed letter processing system;

Creating valid postage labels associated with each of the mail pieces before the mail pieces arrive at a location comprising postage stamp applicator;

Coordinating the operation of the postage stamp applicator and the location of the mail piece to ensure that the correct valid postage labels are applied to each envelope.

DeWitt et al disclose monitoring a location of mail piece in a high-speed letter processing system; [0022] Creating valid postage labels associated with each of the mail pieces before the mail pieces arrive at a location comprising postage stamp

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applicator; [0086] and coordinating the operation of the postage stamp applicator and the location of the mail piece to ensure that the correct valid postage labels are applied to each envelope. [0081]-[0083]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Ogg et al to include the high-speed mail processing system as disclosed by DeWitt et al since the claimed invention is merely a combination of old elements, and in the combination creating postage labels with matching serial numbers as disclosed by Ogg et al and the high-speed mail processing system of DeWitt et al would have continued to perform the same function as it did separately. Therefore, one ordinary skill in the art would have recognized that the results of the combination were predictable.

Referring to claim 25:

Ogg et al disclose

The method of claim 24 further comprising:

Monitoring the quality of the valid postage labels to ensure that the proper postage valid postage labels were printed [0040]

Referring to claim 26:

Ogg et al do not expressly disclose monitoring the quality of the mail pieces to ensure that the valid postage labels have been properly applied.

DeWitt et al disclose monitoring the quality of the mail pieces to ensure that the valid postage labels have been properly applied. [0095]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Ogg et al to include the high-speed mail processing system as disclosed by DeWitt et al since the claimed invention is merely a combination of old elements, and in the combination creating postage labels with matching serial numbers as disclosed by Ogg et al and the high-speed mail processing system of DeWitt et al would have continued to perform the same function as it did separately. Therefore, one ordinary skill in the art would have recognized that the results of the combination were predictable.

Referring to claim 27:

Ogg et al do not expressly disclose Monitoring the quality of the mail pieces to ensure that the postage indicia represents a proper postage amount. [0032]

DeWitt et al disclose monitoring the quality of the mail pieces to ensure that the postage indicia represents a proper postage amount. [0095]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Ogg et al to include the high-speed mail processing system as disclosed by DeWitt et al since the claimed invention is merely a combination of old elements, and in the combination creating postage labels with matching serial numbers as disclosed by Ogg et al and the high-speed mail processing system of DeWitt et al would have continued to perform the same function as it did separately. Therefore, one ordinary skill in the art would have recognized that the results of the combination were predictable.

Referring to claim 28:

Ogg et al disclose

The method of claim 24 wherein the calculating step further comprises:

Determining a destination for a mail piece; (Fig 4)

Calculating the postage amount based upon the destination of the mail piece

[0031]

Referring to claim 29:

Ogg et al disclose

The method of claim 24 wherein the calculating step further comprises:

Determining a weight for a mail piece;[0032]

Calculating the postage amount based upon the weight of the mail piece. [0032]

Referring to claim 33:

Ogg et al disclose

The method of claim 24 wherein the blank labels comprise a roll of blank labels that are printed in series. [0035]

Referring to claim 34:

Ogg et al disclose

The method of claim 24 wherein the blank labels comprise a sheet of blank labels. [0035]

Referring to claim 36:

Ogg et al disclose

The method of claim 24 wherein the blank labels comprise a serial number.

[0036]

Referring to claim 37:

Ogg et al disclose

The method of claim 36 further comprising:

Verifying that the serial number is valid. [0039]

Referring to claim 38:

Ogg et al disclose

The method of claim 36 wherein printed postage indicia includes the serial number. (Fig 6)

Referring to claim 39:

Ogg et al disclose

The method of claim 24 wherein the printing step further comprises:

Receiving label stock having a pre-printed serial number, the pre-printed serial number including a master serial number; [0036]

Generating postage indicia using the master serial number, pre-printed serial number, and required request; [0036] and

Printing the postage indicia on the label stock. [0036]

Referring to Claim 40:

Ogg et al do not expressly disclose coordinating the location of the mail pieces and the operation of the postage indicium applicator and a postage evidencing system

that creates the valid postage labels to ensure that the correct valid postage labels are applied to each mail piece.

DeWitt et al disclose coordinating the operation of the postage stamp applicator and the location of the mail piece to ensure that the correct valid postage labels are applied to each envelope. [0081]-[0083]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Ogg et al to include the high-speed mail processing system as disclosed by DeWitt et al since the claimed invention is merely a combination of old elements, and in the combination creating postage labels with matching serial numbers as disclosed by Ogg et al and the high-speed mail processing system of DeWitt et al would have continued to perform the same function as it did separately. Therefore, one ordinary skill in the art would have recognized that the results of the combination were predictable.

6. Claims 31, 32 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub No. 2002/0073039 to Ogg et al in view of U.S. Pub No. 2001/0037320 to Allport et al in further view of U.S. Pub No 2003/0014376 to DeWitt et al.

Referring to claim 31:

Ogg et al disclose printing an image on the blank labels, wherein each of the postage indicia are associated with a mail piece that is designated for a particular recipient; [0037]

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Ogg et al does not expressly disclose wherein the image is selected based upon one or more characteristics of the particular recipient.

Allport et al disclose printing a postage indicia label wherein the image is selected based upon one or more characteristics of the particular recipient. [0029], [0032]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Ogg et al to combine the image selection for postal indicia as discloses by Allport et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one ordinary skill in the art would have recognized that the results of the combination were predictable.

Referring to claim 32:

Ogg et al disclose each of the postage stamps are associated with a mail piece that is designated for a particular recipient;(Fig 9 and 10) Ogg et al does not expressly disclose that the image is selected based upon a characteristic of the recipient, and the characteristics are selected from the group consisting of:

The recipient's age;

The recipient's sex;

The recipient's occupation; and

The recipient's location.

Allport et al disclose selecting an image basing upon a characteristic of the recipient wherein the characteristics are selected from the group consisting of: the recipient's sex, the recipient's location. [0032]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Ogg et al to combine the image selection based on certain recipient characteristics as discloses by Allport et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one ordinary skill in the art would have recognized that the results of the combination were predictable.

Referring to Claim 41:

Ogg et al disclose printing an image on the blank labels, wherein each of the postage indicia are associated with a mail piece that is designated for a particular recipient; [0037]

Ogg et al does not expressly disclose wherein the image is selected based upon one or more characteristics of the particular recipient.

Allport et al disclose printing a postage indicia label wherein the image is selected based upon one or more characteristics of the particular recipient. [0029], [0032]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Ogg et al to combine the image selection for postal indicia as discloses by Allport et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the

same function as it did separately, and one ordinary skill in the art would have recognized that the results of the combination were predictable.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROB WU whose telephone number is (571)272-3136. The examiner can normally be reached on Mon-Fri 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rob Wu/
Examiner, Art Unit 3628